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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,284	09/21/2000	Sang Cheol Kim	P-116	8476
34610	7590	06/01/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			PHILPOTT, JUSTIN M	
			ART UNIT	PAPER NUMBER

2665

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,284

Applicant(s)

KIM, SANG CHEOL

Examiner

Justin M. Philpott

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the newly amended claims 1, 2 and 26 have been considered and are persuasive. However, applicant's arguments with respect to the newly amended claim 32 is not persuasive since the cited art teaches the newly added limitations as discussed in the following action.

Claim Objections

2. Claims 2, 3, 17, 19, 26 and 30 are objected to because of the following informalities:

in claim 2, the numeral "n" in the phrase "n-th data" should be defined in a certain range, such as "where n is greater than or equal to two";

in claim 3, the numeral "n" in the phrase "(n-1)-th collision" and in the phrase "number of collisions is n" should be defined in a certain range, such as "where n is greater than or equal to two";

in claim 17, the numeral "n" in the phrase "(n-1)-th collision" should be defined in a certain range, such as "where n is greater than or equal to two";

in claim 19, the numeral "n" in the phrase "(n-1)-th collision" should be defined in a certain range, such as "where n is greater than or equal to two";

in claim 26, the numeral "n" in the phrase "n-1 data packets" should be defined in a certain range, such as "where n is greater than or equal to two"; and

in claim 30, the phrase “the retransmission control unit” should be changed to “the retransmitting control circuit” in order to provide proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,774,658 to Kalkunte et al.

Regarding claim 32, Kalkunte teaches a method of controlling a local area network, comprising: transmitting data along a first path (e.g., current time slot, see col. 8, line 51 – col. 9, line 2); determining a prescribed number of data packet collisions (e.g., see col. 8, line 41 – col. 9, line 27 and FIGS. 5 and 6 regarding number of collisions N) in a single frame (e.g., see col. 9, lines 1-2, wherein the number of collisions, N, is calculated up to 16); routing the data along a second data path based on the collisions (e.g., transmitting on another time slot, see col. 8, line 66 – col. 9, line 2), wherein a path inherently comprises a time slot (e.g., see “IEEE 1000: The Authoritative Dictionary of IEEE Standards Terms, 7th Edition” regarding the definition of a *path* including “a time slot in a shared facility”); storing a subsequent data packet of the frame in a buffer along the second data path (e.g., see col. 8, lines 66-67 regarding saving, or storing, a data packet for transmission during another time, wherein storing is implicitly within a buffer);

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and retransmitting the subsequent data packet along the second path from the buffer after a prescribed delay time if the subsequent data packet transmission results in a collision (e.g., retransmit at a later time slot in accordance with delay time, see col. 9, line 3 – col. 9, line 57).

Allowable Subject Matter

5. Claims 1-31 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowed in view of the newly added limitations to the claim and applicant's corresponding arguments (pages 14-16) in the Amendment filed December 16, 2004.

Claims 2-16, 26-29 depend upon claim 1 and are therefore allowed for the same reasons discussed above regarding claim 1.

Claims 17-25, 30 and 31 have been allowed for reasons discussed in the office action mailed September 20, 2004;

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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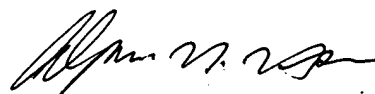
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin M Philpott



ALPUS H. HSU
PRIMARY EXAMINER